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24633 7590 05/23/2007 HOGAN & HARTSON LLP IP GROUP, COLUMBIA SQUARE 555 THIRTEENTH STREET, N.W. WASHINGTON, DC 20004			EXAMINER CARTER, KENDRA D	
			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/811,875

Applicant(s)

FARBER, ELLIOTT

Examiner

Kendra D. Carter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 33-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/24/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

Claims 33-39 are pending. Claims 1-32 were cancelled.

### ***Priority***

The limitation that the composition further comprise a carbohydrate polymer selected from the group consisting of galactoarabinan, polygalactose, and polyarabinose (claims 36 and 37) is not disclosed in the application 09/360,095, and thus receives the priority date of 5/12/2000 from the application 09/570,266.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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**(1) Claims 33-37 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 106-111 of copending Application No. 11/300,360 ('360). Although the conflicting claims are not identical, they are not patentably distinct from each other.**

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

The application '360 teaches a composition comprising an oil-in-water emulsion comprising allantoin; at least one anionic or nonionic emulsifier selected from the group consisting of an acidic anionic polymer and a nonionic emulsifier that is an ethoxylated ether or an ethoxylated ester whose chain length ranges from 8 to 22 carbon atoms; and a carbohydrate polymer selected from the group consisting of galactoarabinan, polygalactose and polyarabinose; wherein the pH of the composition is in a range of from about 3.0 to about 6.0.

The application '360 does not specifically teach an emulsifier system comprising an acidic anionic polymer and an ethoxylated ester whose chain length ranges from 8 to 22 carbon atoms.

To one of ordinary skill in the art at the time of the invention would have found it obvious to combine the composition of '360 and both emulsifiers because the

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claim 106 teaches at least one anionic or nonionic emulsifier selected from the group consisting of an acidic anionic polymer and a nonionic emulsifier that is an ethoxylated ether or an ethoxylated ester whose chain length ranges from 8 to 22 carbon atoms. Thus, the composition can comprise both.

**(2) Claims 33-39 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 35-39, 44-48, 60-65 and 70 of copending Application No. 11/266,251 ('251). Although the conflicting claims are not identical, they are not patentably distinct from each other.**

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

The application '251 teaches a method for treating a skin condition comprising applying to the skin an allantoin-containing composition comprising an oil-in-water emulsion comprising allantoin; an emulsifier system comprising an acidic anionic polymer and a nonionic emulsifier that is an ethoxylated ether or an ethoxylated ester whose chain length ranges from 8 to 22 carbon atoms (see claim 60); wherein the pH of the composition is in a range of from about 3.0 to about 6.0. The acidic anionic polymer is a carboxypolymethylene polymer (see claims 61) and further comprises a

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carbohydrate polymer selected from the group consisting of galactoarabinan, polygalactose and polyarabinose (see claims 63-64) and glyceryl stearate (see claim 65). The composition further comprises at least one of: an amollient component comprising at least one (a) emollient selected from the group consisting of lanolin oil, cetyl alcohol, stearyl alcohol, and cod liver oil; (b) butylated hydroxytoluene; (c) a preservative component comprising at least one preservative selected from the group consisting of methylparaben, propylparaben and diazolidinyl urea; and (d) a solvent component comprising at least one solvent selected from the group consisting of ethylene glycol, propylene glycol, butylenes glycol, and glycerin (see claim 70).

The application '251 does not specifically teach a composition.

To one of ordinary skill in the art at the time of the invention would have found it obvious to combine the method of '251 and the composition because the composition is taught in the method.

**(3) Claims 33, 34 and 39 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 14, 15, 20, 21 and 26 of copending Application No. 10,728,838 ('838) in view of Glover et al. (US 5,326,557).**

This is a provisional obviousness-type double patenting rejection.

The application '838 teaches a method for treating a skin condition comprising applying to the skin an allantoin-containing composition comprising an oil-in-water emulsion comprising allantoin; lanolin oil, cetyl alcohol, stearyl alcohol, and cod liver oil, butylated hydroxytoluene, a nonionic emulsifier that is an ethoxylated ether or an ethoxylated ester whose chain length ranges from 8 to 22 carbon atoms; wherein the pH of the composition is in a range of from about 3.0 to about 6.0 (see claim 14). The composition further comprises at least one of: (a) a preservative component comprising at least one preservative selected from the group consisting of methylparaben, propylparaben and diazolidinyl urea; and (b) a solvent component comprising at least one solvent selected from the group consisting of ethylene glycol, propylene glycol, butylenes glycol, and glycerin (see claim 26).

The application '838 does not specifically teach a composition or a composition comprising an acidic anionic polymer.

Glover et al. teaches an oil-in-water emulsion comprising Carbopol by BF Goodrich Co., glyceryl stearate, stearyl alcohol, propylene glycol, methylparaben, propylparaben and diazolidinyl urea (see column 3, example II, lines 5, 6, 15, 16, 31, 33 37, and 44-46).

To one of ordinary skill in the art at the time of the invention would have found it obvious to combine the method of '838 and the composition because the composition is taught in the method.

To one of ordinary skill in the art at the time of the invention would have found it obvious to combine the method of '838 and a composition comprising an acidic anionic polymer because Glover et al. teaches an oil-in-water emulsion comprising Carbopol by BF Goodrich Co., (see column 3, example II, lines 5, 6, 15 and 16). As the current application '875 specifies in the specification on page 9, lines 24-27 that the acidic anionic polymer is preferably a carboxypolymethylene polymer under the brand names Carbopol marketed by B.F. Goodrich. Both compositions are oil-in-water emulsions, thus "It is *prima facie* obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same purpose.... [T]he idea of combining them flows logically from their having been individually taught in the prior art." *In re Kerkhoven*, 626 F.2d 846, 850, 205 USPQ 1069, 1072 (CCPA 1980). See also *In re Crockett*, 279 F.2d 274, 126 USPQ 186 (CCPA 1960); *Ex parte Quadranti*, 25 USPQ2d 1071 (Bd. Pat. App. & Inter. 1992); and *In re Geiger*, 815 F.2d 686, 2 USPQ2d 1276 (Fed. Cir. 1987).

**(4) Claims 33, 34 and 39 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 4 and 7 of U.S. Patent No. 6,531,500 B2 ('500) in view of Glover et al. (US 5,326,557).**



The patent '500 teaches a method for treating *Epidermolysis bullosa* comprising applying to the skin an allantoin-containing composition comprising an oil-in-water emulsion comprising allantoin; lanolin oil, cetyl alcohol, stearyl alcohol, and cod liver oil, butylated hydroxytoluene, a nonionic emulsifier that is an ethoxylated ether or an emulsifier system comprising at least one nonionic emulsifier that is an ethoxylated ester whose chain length ranges from 8 to 22 carbon atoms; wherein the pH of the composition is in a range of from about 4.5 to about 5.8 (see claims 1 and 4). The composition further comprises at least one of: (a) a preservative component comprising at least one preservative selected from the group consisting of methylparaben, propylparaben and diazolidinyl urea; and (b) a solvent component comprising at least one solvent selected from the group consisting of ethylene glycol, propylene glycol, butylenes glycol, and glycerin (see claim 7).

The patent '500 does not specifically teach a composition or a composition comprising an acidic anionic polymer.

Glover et al. teaches an oil-in-water emulsion comprising Carbopol by BF Goodrich Co., glyceryl stearate, stearyl alcohol, propylene glycol, methylparaben, propylparaben and diazolidinyl urea (see column 3, example II, lines 5, 6, 15, 16, 31, 33 37, and 44-46).

To one of ordinary skill in the art at the time of the invention would have found it obvious to combine the method of '500 and the composition because the composition is taught in the method.

To one of ordinary skill in the art at the time of the invention would have found it obvious to combine the method of '500 and a composition comprising an acidic anionic polymer because Glover et al. teaches an oil-in-water emulsion comprising Carbopol by BF Goodrich Co., (see column 3, example II, lines 5, 6, 15 and 16). As the current application '875 specifies in the specification on page 9, lines 24-27 that the acidic anionic polymer is preferably a carboxypolymethylene polymer under the brand names Carbopol marketed by B.F. Goodrich. Both compositions are oil-in-water emulsions, thus "It is *prima facie* obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same purpose.... [T]he idea of combining them flows logically from their having been individually taught in the prior art." *In re Kerkhoven*, 626 F.2d 846, 850, 205 USPQ 1069, 1072 (CCPA 1980). See also *In re Crockett*, 279 F.2d 274, 126 USPQ 186 (CCPA 1960); *Ex parte Quadranti*, 25 USPQ2d 1071 (Bd. Pat. App. & Inter. 1992); and *In re Geiger*, 815 F.2d 686, 2 USPQ2d 1276 (Fed. Cir. 1987).

**(5) Claims 33, 34 and 39 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 8, 9, 16,**

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**17, 30, 39-41, 47 and 48 of U.S. Patent No. 6,281,236 B1 ('236) in view of Glover et al. (US 5,326,557).**

The patent '236 teaches an oil-in-water emulsion comprising allantoin; lanolin oil, cetyl alcohol, stearyl alcohol, and cod liver oil, butylated hydroxytoluene, a nonionic emulsifier that is an ethoxylated ether or an emulsifier system comprising at least one nonionic emulsifier that is an ethoxylated ester whose chain length ranges from 8 to 22 carbon atoms; wherein the pH of the composition is in a range of from about 4.5 to about 5.8 (see claims 8, 9, 47 and 48). The composition further comprises at least one of: (a) a preservative component; and (b) a solvent component comprising at least one solvent selected from the group consisting of ethylene glycol, propylene glycol, butylenes glycol, and glycerin (see claims 16, 17, 30, and 39-41).

The patent '236 does not specifically teach a composition or a composition comprising an acidic anionic polymer.

Glover et al. teaches an oil-in-water emulsion comprising Carbopol by BF Goodrich Co., glyceryl stearate, stearyl alcohol, propylene glycol, methylparaben, propylparaben and diazolidinyl urea (see column 3, example II, lines 5, 6, 15, 16, 31, 33 37, and 44-46).

To one of ordinary skill in the art at the time of the invention would have found it obvious to combine the method of '236 and a composition comprising an acidic anionic polymer because Glover et al. teaches an oil-in-water emulsion comprising Carbopol by BF Goodrich Co., (see column 3, example II, lines 5, 6, 15 and 16). As the current application '875 specifies in the specification on page 9, lines 24-27 that the acidic anionic polymer is preferably a carboxypolymethylene polymer under the brand names Carbopol marketed by B.F. Goodrich. Both compositions are oil-in-water emulsions, thus "It is *prima facie* obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same purpose.... [T]he idea of combining them flows logically from their having been individually taught in the prior art." *In re Kerkhoven*, 626 F.2d 846, 850, 205 USPQ 1069, 1072 (CCPA 1980). See also *In re Crockett*, 279 F.2d 274, 126 USPQ 186 (CCPA 1960); *Ex parte Quadranti*, 25 USPQ2d 1071 (Bd. Pat. App. & Inter. 1992); and *In re Geiger*, 815 F.2d 686, 2 USPQ2d 1276 (Fed. Cir. 1987).

**(6) Claims 33-39 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 19-24 of U.S. Patent No. 6,329,413 B1 ('413).**

The patent '413 teaches an oil-in-water emulsion comprising allantoin; an emulsifier system comprising an acidic anionic polymer and a nonionic emulsifier that is an ethoxylated ether or an ethoxylated ester whose chain length ranges from 8 to 22

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carbon atoms; wherein the pH of the composition is in a range of from about 5.0 to about 5.8 (see claim 19). The acidic anionic polymer is a carboxypolymethylene polymer (see claims 20) and further comprises a carbohydrate polymer selected from the group consisting of galactoarabinan, polygalactose and polyarabinose (see claims 21-22) and glyceryl stearate (see claim 23). The composition further comprises at least one of: an amollient component comprising at least one (a) emollient selected from the group consisting of lanolin oil, cetyl alcohol, stearyl alcohol, and cod liver oil; (b) butylated hydroxytoluene; (c) a preservative component comprising at least one preservative selected from the group consisting of methylparaben, propylparaben and diazolidinyl urea; and (d) a solvent component comprising at least one solvent selected from the group consisting of ethylene glycol, propylene glycol, butylenes glycol, and glycerin (see claim 24).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**(1) Claims 33-35, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bettel et al. (US 2003/0044435 A1), in view of Glover et al. (US 5,326,557).**

Bettel et al. teaches an emulsion composition comprising an aqueous phase and a second phase comprising one or more fatty acids, and alcohols and/or esters (see page 1, paragraph 7, lines 2-6; addresses water-in-oil emulsion). The liquid carrier for the composition include water and propylene glycol (see page 3, paragraph 35, lines 1 and 5-7; addresses claim 39). The composition may comprise one or more active agents, which are chosen based upon the properties that one desires from the composition (see page 3, paragraph 36, lines 1-3). Suitable active agents include skin healing emollient ingredients such as allantoin and antioxidants (see page 4, paragraph 39, lines 7 and 8; addresses claim 33). To deliver the active agent a suitable partitioning agent is incorporated to facilitate the migration of the active agent and modulate the skin surface to facilitate penetration of the skin by the active agents.

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Suitable portioning agents include carbomers (see page 4, paragraph 41, line 11; addresses claim) or nonionic polyethoxylated fatty ethers (see page 4, paragraph 42, lines 1-3 and claim 14) ranging from about 12 to about 36 carbon atoms (see page 4, paragraph 44, lines 6 and 7 and claim 18; addresses claim 1). The composition may also comprise one or more anionic surfactants (see page 4, paragraph 46, lines 1 and 2); a thickener in order to increase its viscosity such as carboxypolymethylene (carbopol; see page 5, paragraph 48, lines 9, 10, 12 and 13; addresses claim 35); aids such as glycerin, polypropylene glycol; emulsion stabilizers such as cetyl alcohol and preservatives (see page 5, paragraph 48, lines 15-18; addresses claim 39). The composition has a pH of from about 6.5 to 7.5 (see page 5, paragraph 55, lines 3 and 4; addresses claim 33 and 34).

Bettle et al. does not teach a specific emulsifier system comprising an acidic anionic polymer and a nonionic emulsifier that is an ethoxylated ether (claim 33). Glyceryl stearate (claim 38) is also not taught.

Glover et al. teaches an oil-in-water emulsion comprising thickeners Carbopol by BF Goodrich Co. and stearyl alcohol, glyceryl stearate, propylene glycol, preservatives methylparaben, propylparaben and diazolidinyl urea (see column 3, example II, lines 5, 6, 15, 16, 31, 33 37, and 44-46; addresses claims 33, 35 and 39). Other materials include the antioxidant butylated hydroxytoluene (see column 5, lines 54 and 56) and

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emollient oils such as cod liver oil, cetyl alcohol and lanolin oil (see column 6, lines 19, 23, 30 and 32; addresses claim 39).

To one of ordinary skill in the art at the time of the invention would have found it obvious and motivated to combine the composition of Bettle et al. and an acidic anionic polymer because Glover et al. teaches an oil-in-water emulsion comprising Carbopol by BF Goodrich Co., (see column 3, example II, lines 5, 6, 15 and 16). The Applicant defines the acidic anionic polymer as being preferably a carboxypolymethylene polymer under the brand names Carbopol marketed by B.F. Goodrich (see specification on page 9, lines 24-27). Additionally, both Bettle et al. and Glover et al. teach thickeners (i.e. acidic anionic polymers). Particularly, Bettle et al. teaches the thickener carboxypolymethylene (carbopol) and Glover teaches the thickener Carbopol (see column 3, example II, lines 5, 6, 15 and 16); see page 5, paragraph 48, lines 9, 10, 12 and 13). Although the <sup>h</sup>thickeners are not listed as acidic anionic polymers the limitation of the composition comprising an acidic anionic polymer, specifically carboxypolymethylene is taught. "Products of identical chemical composition can not have mutually exclusive properties." Therefore, if the prior art teaches the identical chemical structure, the properties applicant discloses and/or claims are necessarily present. *In re Spada*, 911 F. 2d 705, 709, 15 USPQ2d 1655, 1658 (Fed. Cir. 1990). Since, both compositions are oil-in-water emulsions, "It is *prima facie* obvious to combine two compositions each of which is taught by the prior art to be useful for the



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same purpose, in order to form a third composition to be used for the very same purpose.... [T]he idea of combining them flows logically from their having been individually taught in the prior art.” *In re Kerkhoven*, 626 F.2d 846, 850, 205 USPQ 1069, 1072 (CCPA 1980). See also *In re Crockett*, 279 F.2d 274, 126 USPQ 186 (CCPA 1960); *Ex parte Quadranti*, 25 USPQ2d 1071 (Bd. Pat. App. & Inter. 1992); and *In re Geiger*, 815 F.2d 686, 2 USPQ2d 1276 (Fed. Cir. 1987).

**(2) Claims 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bettle et al. (US 2003/0044435 A1), in view of Glover et al. (US 5,326,557) as applied to claims 33-35, 38 and 39 above, and in further view of Westman (Cosmetics and toiletries, 1999, vol. 114(8), pp.63-72).**

Bettle et al. and Glover et al. teaches are as applied to claims 3-35, 38 and 39 above.

Bettle et al. and Glover et al. do not teach galactoarabinan, polyglactose, or polyarabinose.

Westman teaches that galactoarabinan provides a unique combination of personal-care benefits which include the ability to decrease emulsion particle size and improve size uniformity (without increasing viscosity), to reduce trans-epidermal water loss, and to exfoliate human skin (see page 63, column 1, paragraph 1 in its entirety).

To one of ordinary skill in the art at the time of the invention would have found it obvious and motivated to combine the composition of Bettie et al. and Glover et al. and galactoarabinan because Westman teaches that galactoarabinan provides a unique combination of personal-care benefits which include the ability to decrease emulsion particle size and improve size uniformity (without increasing viscosity), to reduce trans-epidermal water loss, and to exfoliate human skin (see page 63, column 1, paragraph 1 in its entirety).

### ***Conclusion***

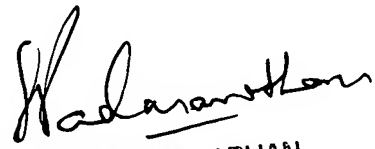
No claims are allowed. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kendra D. Carter whose telephone number is (571) 272-9034. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan can be reached on (571) 272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KDC

  
SREENI PADMANABHAN  
SUPERVISORY PATENT EXAMINER